

For migratory children, each State Educational Agency's Migrant Education Program establishes their own process for determining if a child meets the criteria provided under Elementary and Secondary Education Act of 1965. State Child Nutrition Agencies must contact their State Migrant Education Program to develop a plan for sharing and documenting the migratory child's eligibility for free school meals. To find the contact for your State Migrant Education Program view the following website:

- Contact Information for all State Directors of Migrant Education
<http://www.ed.gov/programs/mep/contacts.html>

If you have any questions, please contact Rosemary O'Connell or Mara McElmurray at 703-305-2590.



STANLEY C. GARNETT
Director
Child Nutrition Division



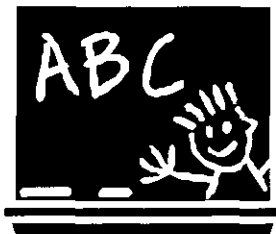
How Do I Apply?

To sign your child up for free school meals, speak with the

- ◆ Local educational agency liaison for homeless children (ask at your child's school), or
- ◆ Principal of your child's school, or
- ◆ Homeless shelter director (if you're staying in one).

These people will help you get free school meals for your child fast.

New rules allow these people to designate your eligibility for this faster service and they will pass the information along to the school's food program.



Who Can I Call If I Have Questions?

For more information about the School Lunch program, please contact:

National Center for Homeless Education

Phone: 1-800-308-2145

Website: www.serve.org/nche

Food Research and Action Center

Phone: (202) 986-2200

Website: www.frac.org

The United States Department of Agriculture (USDA) prohibits discrimination in its programs on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, and marital or family status.



Is Your Family Facing Homelessness or Housing Problems?

**Special New Rules
Make Signing Up For
Free School Meals
Fast and Easy!**





School Meals

All parents know that nutritious meals are important for children to grow, keep healthy and learn.

When times get tough it can be hard to get children all the healthy food they need.

Free breakfast, lunch and afterschool snacks served through the National School Lunch and School Breakfast Programs may be one way to make sure your child can grow and learn.



New Rules Make Signing Up For Free School Meals Fast and Easy

The school lunch and breakfast programs have special new rules to help families facing housing problems and homelessness. These rules allow children and youth to quickly qualify for free school meals.

No documents or paperwork are required.



Who May Be Eligible?

Children and youth in families with housing problems that have forced them to:

- ◆ Live temporarily with another family.
- ◆ Live in a motel, campground or car.
- ◆ Live in an emergency, domestic violence or transitional shelter.



Children and youth on their own:

- ◆ Living temporarily with another family.
- ◆ Living in a motel, campground or car.
- ◆ Living in an emergency, transitional or runaway shelter.
- ◆ Awaiting foster care placement.





United States
Department of
Agriculture

Food and
Nutrition
Service

3101 Park
Center Drive
Alexandria, VA
22302-1500

September 17, 2004

SUBJECT: Guidance on Determining Categorical Eligibility for Free Lunches and
Breakfasts for Youth Served under the Runaway and Homeless Youth
Act
TO: Special Nutrition Programs
All Regions
State Agencies
Child Nutrition Programs
All States

As described in our Reauthorization Implementation Memo SP 4, *Categorical Eligibility for Free Lunches and Breakfasts of Runaway, Homeless, and Migrant Youth*, issued

July 19, 2004, runaway youth served through grant programs established under the Runaway and Homeless Youth Act (RHYA, Public Law (PL)108-96) are now categorically eligible for free meals in the National School Lunch and School Breakfast Programs. This memorandum is a follow up to the July 19, 2004, memorandum and provides background information on the operation of programs under the RHYA and eligibility guidance for schools and school districts.

Background on the Grant Programs Established under the RHYA

The Family and Youth Services Bureau (FYSB) is part of the Administration on Children, Youth and Families (ACYF); of the Department of Health and Human Services. FYSB supports local communities in providing services and opportunities to young people, particularly runaway and homeless youth. FYSB does so by awarding funding that enables community agencies to offer services to young people and their families and to test new approaches to helping youth. FYSB promotes and supports youth through its three grant programs: Basic Center Program, Transitional Living Program and the Street Outreach Program. The agencies receiving grants under these three programs are referred to as either FYSB grantees, or Runaway and Homeless Youth (RHY) service providers.

FYSB works through ten ACYF regional offices located throughout the country; each region has a Regional Youth Specialist to serve the States, territories, tribes and other grantees in their geographical area. The Regional Youth Specialists are given broad flexibility in guiding the programmatic and financial management of FYSB programs.

The 2003 Reauthorization of the Runaway and Homeless Youth Program directed FYSB to coordinate with school district liaisons under the McKinney-Vento Homeless Assistance Act to assure that RHY are provided information about the educational services available to them and to ensure they receive support services guaranteed under the law.

In order to better advance FYSB's directive on coordination with McKinney-Vento school district liaison, they are developing an informational memorandum for their grantees that offers suggestions on how to build stronger relationships with the liaisons and offers available resources. We will share their memorandum as soon as it becomes available.

Documenting Eligibility

The systems for coordination of information about RHY can vary from State to State and even across districts depending on the relationship between the McKinney-Vento school district liaison and the RHY service provider, and the size of the RHY caseload. In many cases, the McKinney-Vento school district liaison is already working with youth receiving services under the RHY grant programs. In these cases, school districts will be notified of a child's status as a runaway through the existing liaison channels. In some cases, schools may receive information on a youth's participation in a RHY Program directly from the RHY service provider. Documentation to substantiate free meal eligibility must consist of the youth's name, or a list of names, effective date(s), and the signature of the McKinney-Vento school district liaison or the RHY service provider(s). This documentation is acceptable in lieu of a free and reduced price meal application.

It is important that schools/school districts become familiar with their local RHY service providers and their McKinney-Vento school district liaison in order to facilitate the service of free school meals for youth in these programs. Should you have questions regarding the operation of FYSB, please contact your Regional Youth Specialist. Attached is a list of ACF Regional Offices. The website for the regional offices is www.acf.dhhs.gov/programs/oro/. For further information on FYSB you may want to view their web site at: <http://www.acf.hhs.gov/programs/fysb/index.html>.

Please contact Mara McElmurray or Rosemary O'Connell of my office if you have any questions on this guidance.



STANELY C. GARNETT
Director
Child Nutrition Division

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United States
Department of
Agriculture

July 7, 2004

Food and
Nutrition
Service

SUBJECT: Duration of Households' Free and Reduced Price Meal Eligibility
Determination - Reauthorization 2004: Implementation Memo - SP 3

3101 Park
Center Drive
Alexandria, VA
22302-1500

TO: Special Nutrition Programs
All Regions

State Agencies
Child Nutrition Programs
All States

The Child Nutrition and WIC Reauthorization Act of 2004 (Act) specifies that, effective July 1, 2004, households' eligibility for free and reduced price meals shall remain in effect beginning on the date of eligibility for the current school year and ending on a date during the subsequent school year, as determined by the Secretary. This provision does not apply when the initial eligibility determination was incorrect or when verification of household eligibility does not support the level of benefits for which the household was approved. In those instances, officials must make appropriate changes in eligibility. Additionally, this provision does not apply when a household is given temporary approval.

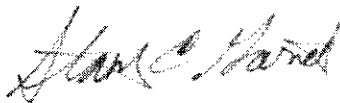
There are many provisions in the Act affecting the certification/verification process, which must be addressed through the regulatory process. However, to give school food authorities and households the advantages of this provision as quickly as possible, we are implementing this provision through this memorandum.

Beginning school year 2004-2005 and until issuance of a final regulation, school officials will determine household eligibility for free and reduced price meals in the traditional manner, at or about the beginning of the school year. Once approved for free or reduced price benefits, a household will remain eligible for those benefits for a maximum of 30 days after the first operating day in the subsequent school year or when a new eligibility determination is made in the new school year, whichever comes first. The household is no longer required to report changes in circumstances, such as an increase in income of \$50 per month (\$600 annually), a decrease in household size or when the household is no longer certified eligible for food stamps or Temporary Assistance for Needy Families (TANF).

The current free and reduced price application package includes instructions for households to report the changes in household income and household size mentioned above. We do not expect State agencies and school food authorities to make changes in their free and reduced price application materials for this school year because the enactment of this legislation is so late in the year. Any changes to the application materials now would be very burdensome to most school districts. However, school food authorities may use other means to notify households that they do not have to report changes. For example, households may be notified via the annual media/public release or notified in their notice of approval for free and reduced price school meals. The Department will revise its guidance as appropriate.

Please note that households may continue to apply for benefits any time during the school year. As noted above, this provision does not apply to households who are provided "temporary" approvals. We continue to encourage determining officials to approve households on a temporary basis when their need for assistance appears to be short-term, such as when the household reports zero income or a temporary reduction in income. A suggested time period for temporary approvals is 45 days unless otherwise stipulated by the State agency. At the end of the temporary approval, school officials must re-evaluate the household's situation.

If you have any questions, please contact Rosemary O'Connell or Barbara Semper at 703-305-2590.

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STANLEY C. GARNETT
Director
Child Nutrition Division



**United States
Department of
Agriculture**

Food and
Nutrition
Service

3101 Park
Center Drive
Alexandria, VA
22302-1500

August 10, 2004

SUBJECT: Age Limits in the Child and Adult Care Food Program (CACFP):
Reauthorization 2004 Implementation Memo CACFP 5

TO: Special Nutrition Programs
All Regions

State Agencies
Child Nutrition Programs
All States

The Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265) raised the age limit for residents of emergency shelters who are eligible to receive CACFP meals. The law amended section 17(t) of the Richard B. Russell National School Lunch Act.

Currently, emergency shelters may serve CACFP meals to residents who are 12 years old or younger, or who are migratory children 15 years of age or younger, or who have disabilities. Beginning October 1, 2004, this action allows emergency shelters to serve CACFP meals to residents 18 years of age or younger, and to residents of any age, who have disabilities.

If you have any questions concerning this issue, please contact Keith Churchill by phone 703-305-2950 or by e-mail at keith.churchill@fns.usda.gov.

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STANLEY C. GARNETT
Director
Child Nutrition Division



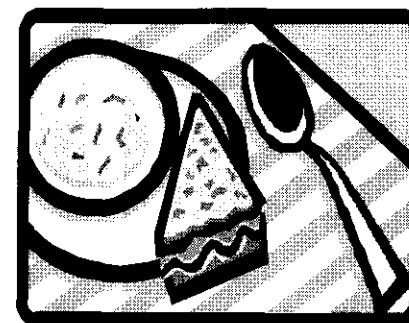
How do I apply?

To apply or receive information about the program in your state, contact your state's Child and Adult Care Food Program agency, often located in the State Department of Education.

State agency contact names and numbers are available on the Food Research and Action Center website at www.frac.org.



New Federal Food Funds Available For Meals Served to Children and Youth in Shelters





What is the Child and Adult Care Food Program?

The Child and Adult Care Food Program provides resources for feeding children and youth.

Homeless, runaway, and domestic violence shelters are eligible to receive Child and Adult Care Food Program funds for meals and snacks served to children and youth.



How can the program help your shelter?

- ◆ When your shelter participates in the food program, the CACFP state agency will reimburse you for the healthy meals and snacks served to children and youth.
- ◆ Your shelter will be eligible to receive up to \$5.70 per day, per child.
- ◆ Shelters serving meals to 20 children and youth each day could be eligible to receive up to \$41,000 a year in food program reimbursements.



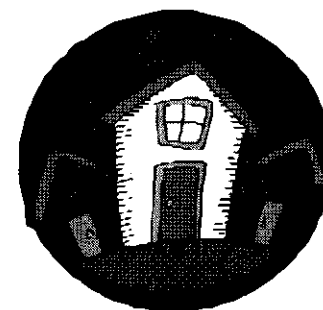
Who can participate?

Children and youth 18 or younger residing in an eligible shelter.



What sites are eligible?

- ◆ Homeless Shelters
- ◆ Domestic Violence Shelters
- ◆ Family Shelters
- ◆ Runaway Shelters
- ◆ Crisis Shelters



HOMELESS PERSONS' RIGHTS UNDER THE FOOD STAMP PROGRAM

Homeless persons have all the same rights under the Food Stamp Program as persons who are housed. They also have some additional rights due to the fact that they are homeless. In addition, certain provisions in food stamp law that apply to all persons often particularly affect homeless people.

When is someone considered homeless?

You are considered "homeless" under the Food Stamp Program if you:

- (1) have no fixed, regular place you sleep at night or;
- (2) the place you sleep at night is one of the following:
 - (a) a shelter (which includes a welfare hotel or congregate shelter)
 - (b) a half-way house
 - (c) the home of someone else if you are there less than 90 days
 - (d) a place where people do not usually sleep such as a doorway, a lobby, a bus station, a hallway, or a subway. 7 CFR 271.2 (definition of "homeless individual")

Homeless persons are eligible for food stamps even if they live on the streets and do not have a mailing address. Homeless people cannot be denied food stamps simply because they lack a permanent address. 7 CFR 273.3(a).

Homeless people are also eligible for food stamps even if they live in a homeless shelter which provides them with meals. Homeless people cannot be denied food stamps only because they are living in a homeless shelter which serves meals.¹

You do not need a place to cook or store food to receive food stamps. 7 CFR 273.3(a). You cannot be denied food stamps solely because you lack a kitchen or other cooking facility.

Where can homeless people use food stamps?

Homeless persons have the option of using their food stamps at places other than the grocery store or farmers market. Homeless persons can pay for meals at some soup kitchens and homeless shelters with food stamps. 7 CFR 278.2(b). These soup kitchens and shelters must be authorized by FNS to accept food stamps.² They cannot force you to use your food stamps to pay for food at the shelter. They can only request that you voluntarily use your food stamps to pay for meals and cannot ask you to pay more than the average cost of meals at the shelter. 7 CFR 278.2(b). In addition, if the soup kitchen or homeless shelter gives other clients the option of eating free or making a monetary donation, you must be given the option of eating free, making a monetary donation, or using your food stamps to pay for the food. 7 CFR 278.2(b).

Homeless persons may use their food stamps at certain restaurants. Restaurants can contract with the state to serve meals to homeless persons at reduced prices in exchange for food stamps. 7 CFR 271.2 (definition of "eligible foods") If you are homeless and would like to be able to use your food stamps to purchase meals at restaurants, you should tell your food stamp caseworker. You will be given a specially-marked ID card which will allow you to buy meals at restaurants. 7 CFR 274.10(a)(4)(iii).

How can homeless people verify their identity and residence ?

The food stamp caseworker is required to verify your identity. 7 CFR 273.2(f). There are many ways, however, that you may verify your identity. A photo ID is only one way. You should not be denied food stamps simply

¹ Residents of "institutions" which provide over 50% of three meals each day are not eligible for food stamps. However, people who are residents of public or private nonprofit homeless shelters and residents of battered women's shelters are eligible for food stamps even though the shelter provides more than 50% of their daily meals. 7 CFR 273.1(b)(7)(vii).

² Certain nonprofit homeless meal providers can apply for authorization as retail food stores which can accept food stamps from homeless food stamp recipients. 7 CFR 278.1(r). Meal providers that serve meals which consist wholly of donated foods are not eligible to accept food stamps. Battered women's shelters which serve meals may also apply for authorization to accept food stamps. 7 CFR 278.1(g).

because you do not have a photo ID.³ To prove who you are, you can use such things as a work or school ID, an ID for health benefits, an ID from another social services program such as TANF, wage stubs, a birth certificate, or a voter registration card. The food stamp caseworker can also verify your identity by calling a "collateral contact" who can confirm you who are. Shelter workers and employers are examples of possible collateral contacts. If you have no paper documentation of who you are, you should ask the food stamp caseworker to call a collateral contact. 7 CFR 273.2(f)(1)(C)(vii).

Homeless households are not required to verify where they live.⁴ If you are living in a shelter, however, it may be helpful to bring a letter to the food stamp office which is written by a shelter employee and says that you are living in the shelter.

What happens if a homeless person spends money on shelter?

Homeless people may spend money on shelter by doing such things as paying to stay with a friend, or paying to stay in a motel. If you can document those shelter costs, you may be able to deduct them from your gross income for purposes of determining net monthly income. **(see section XX of FRAC Guide for more information on the standard shelter deduction and when it is used)** If you are homeless and have spent money on shelter, but have no receipts or other documentation to prove how much you spent, you still may be able to receive a deduction in some states. Certain states have chosen to use what is called the "homeless shelter deduction" which allows people who are homeless, but who have spent money on shelter, to deduct a flat \$143 from their gross income. Even if your state uses the homeless shelter deduction, you may not receive the deduction if you have extremely low shelter costs. If you can get more food stamp benefits by using the regular shelter deduction instead of the homeless shelter deduction, you should use the regular deduction.⁵ If your state does not use the homeless shelter deduction, you may want to advocate that your state elect to use it.⁶

Do homeless people get any special help with receiving their benefits?

Food stamp offices are required to establish procedures that serve homeless persons. 7 CFR 273.2(a). If you are homeless, the food stamp office is required to give you assistance in receiving your food stamp benefits. 7 CFR 274.2(a). For example, the food stamp office may assist you by helping you to find an authorized representative or mailing your benefits to a shelter that you are staying at.⁷ The food stamp office cannot make you fill out report forms each month if you are homeless. 7 CFR 273.21(b)(1)(ii).

What are the rights of homeless youth?

If you are a young person who is *living in a shelter or entirely alone*, you should be able to apply for food stamps on your own. Your parent's income should not be used in calculating whether you are eligible for food stamps.⁸ If you are living in a shelter, you may want to bring a letter written by a caseworker at the shelter which says that you are living there.

³ 7 CFR 273.2(f)(1)(C)(vii) says that "any documents which reasonably establish the applicants identity must be accepted, and no requirement for a specific type of document may be imposed."

⁴ 7 CFR 273.2(f)(1)(C)(vi) says that the residency requirements "shall be verified except in unusual cases such as homeless households...where verification of residency cannot be reasonably accomplished."

⁵ Food Stamp Reauthorization Act, Title IV, Pub.L. 107-171, Section 4105, 2002.

⁶ The Food Stamp Reauthorization Act made it simpler for states to utilize the homeless shelter deduction. States no longer have to document to USDA what a reasonable amount would be for shelter paid by a homeless person. States may now simply elect to use the deduction by notifying USDA that they intend to use it. For more information on the homeless shelter deduction, see FOOD RESEARCH AND ACTION CENTER, GET READY FOR FOOD STAMP REAUTHORIZATION CHANGES IN YOUR STATE (August 2002), CENTER ON BUDGET AND POLICY PRIORITIES, IMPLEMENTING NEW CHANGES TO THE FOOD STAMP PROGRAM: A PROVISION BY PROVISION ANALYSIS OF THE FARM BILL (August 2002), and the NATIONAL LAW CENTER ON HOMELESSNESS AND POVERTY, POLICY BRIEF ON FOOD STAMP REAUTHORIZATION (2002).

⁷ 7 CFR 274.2 says that state agencies shall assist households which do not reside in a permanent dwelling by "arranging for the mail issuance of coupons to them, by assisting them in finding authorized representatives who can act on their behalf, or by using other appropriate means." States, however, have widely different interpretations of what type of assistance is required under this regulation. Florida, for example, will only mail benefits to food stamp participants. It will not permit food stamp participants to pick up their benefits at the food stamp office. See Florida Department of Children and Families Policy Manual 3200.0201.

⁸ A person who is under 22 years old and living with his or her parents, and a person who is under 18 years old and is financially dependent on a household member other than his or her parent, is automatically considered part of the household of the people he/she is living with. The income of the entire household will be taken into account in determining whether the young person is eligible for food stamps. 7 CFR 273.1(b).

Attachment 5.

This is the Southwest Key I.R.S. not-for-profit documentation.

Internal Revenue Service**Date:** April 7, 2004

Southwest Key Program, Inc.
3000 S. IH 35 410
Austin, TX 78704-8536

Department of the Treasury
P. O. Box 2508
Cincinnati, OH 45201

Person to Contact:
Kim A. Chambers 31-07674
Customer Service Specialist
Toll Free Telephone Number:
8:00 a.m. to 6:30 p.m. EST
877-829-5500
Fax Number:
513-263-3756
Federal Identification Number:
74-2481167

Dear Sir or Madam:

This is in response to your request of April 7, 2004, regarding your organization's tax-exempt status.

In June 1988 we issued a determination letter that recognized your organization as exempt from federal income tax. Our records indicate that your organization is currently exempt under section 501(c)(3) of the Internal Revenue Code.

Based on information subsequently submitted, we classified your organization as one that is not a private foundation within the meaning of section 509(a) of the Code because it is an organization described in sections 509(a)(1) and 170(b)(1)(A)(vi).

This classification was based on the assumption that your organization's operations would continue as stated in the application. If your organization's sources of support, or its character, method of operations, or purposes have changed, please let us know so we can consider the effect of the change on the exempt status and foundation status of your organization.

Your organization is required to file Form 990, Return of Organization Exempt from Income Tax, only if its gross receipts each year are normally more than \$25,000. If a return is required, it must be filed by the 15th day of the fifth month after the end of the organization's annual accounting period. The law imposes a penalty of \$20 a day, up to a maximum of \$10,000, when a return is filed late, unless there is reasonable cause for the delay.

All exempt organizations (unless specifically excluded) are liable for taxes under the Federal Insurance Contributions Act (social security taxes) on remuneration of \$100 or more paid to each employee during a calendar year. Your organization is not liable for the tax imposed under the Federal Unemployment Tax Act (FUTA).

Organizations that are not private foundations are not subject to the excise taxes under Chapter 42 of the Code. However, these organizations are not automatically exempt from other federal excise taxes.

Donors may deduct contributions to your organization as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to your organization or for its use are deductible for federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

04/07/2004 15:52 FAX 513 263 3756

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Southwest Key Program, Inc.
74-2481167

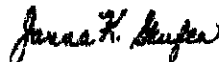
Your organization is not required to file federal income tax returns unless it is subject to the tax on unrelated business income under section 511 of the Code. If your organization is subject to this tax, it must file an income tax return on the Form 990-T, Exempt Organization Business Income Tax Return. In this letter, we are not determining whether any of your organization's present or proposed activities are unrelated trade or business as defined in section 513 of the Code.

Section 6104 of the Internal Revenue Code requires you to make your organization's annual return available for public inspection without charge for three years after the due date of the return. The law also requires organizations that received recognition of exemption on July 15, 1987, or later, to make available for public inspection a copy of the exemption application, any supporting documents and the exemption letter to any individual who requests such documents in person or in writing. Organizations that received recognition of exemption before July 15, 1987, and had a copy of their exemption application on July 15, 1987, are also required to make available for public inspection a copy of the exemption application, any supporting documents and the exemption letter to any individual who requests such documents in person or in writing. For additional information on disclosure requirements, please refer to Internal Revenue Bulletin 1999 - 17.

Because this letter could help resolve any questions about your organization's exempt status and foundation status, you should keep it with the organization's permanent records.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely,



Janna K. Skufca, Director, TE/GE
Customer Account Services